

DEC 09 2010

Attorney Docket No. P70693US0
Application No. 10/541,619Remarks errata:

In the paragraph bridging pages 16 and 17, line 8, the Cobbs (US 4,778,631) reference, cited in the rejection under §103(a), is incorrectly identified "Cros," each occurrence, and at line 3 of the next-immediate paragraph (page 17), the July 2, 2010, mail date of the Notice of Panel Decision from Pre-Appeal Brief Review is incorrectly identified "August 2, 2010." Accordingly, the paragraphs at issue showing the corrections read:

Secondly, the rejection cannot be maintained because Cobbs teaches away from the presently claimed invention. "A reference may be said to teach away when a person of ordinary skill, upon reading the reference...would be led in a direction divergent from the path that was taken by the applicant." *In re Gurley*, 31 USPQ2d 1130, 1131 (Fed. Cir. 1994). Since "a person of ordinary skill, upon reading the [Cobbs] reference...would be led in a direction divergent from the [piston-pump mixer] path that was taken by the applicant," Cobbs is "said to teach away" for purposes of analysis under §103(a). *Gurley*, 31 USPQ2d at 1131. The present claims cannot be rejected for obviousness by relying on Cros Cobbs, because it is shown that Cros Cobbs teaches away from the presently claimed invention *In re Geisler*, 116 F.3d 1465, 1471 (Fed. Cir. 1997). See *In re Belle* 991 F.2d 781, 26 USPQ2d 1529, 1552 (Fed. Cir. 1993) ("A disclosure ... does not render obvious a claim to three compounds, particularly when that disclosure indicates a preference leading away from the claimed compounds").

DEC. 9. 2010 8:37PM

JACOBSON HOLMAN PLLC

RECEIVED
CENTRAL FAX CENTER

NO. 619

P. 4

DEC 09 2010

Attorney Docket No. P70693US0
Application No. 10/541,619

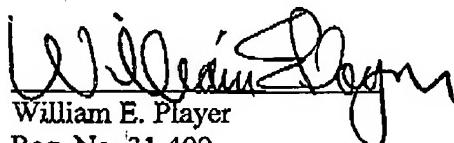
Third, the PTO found the rejected claims non-obvious, under §103(a), over the combined teachings of Okuda and Cobbs (at least implicitly) by the Notice of Panel Decision from Pre-Appeal Brief Review (mailed August July 2, 2010), i.e., in view of applicants' Pre-Appeal Brief Request for Review (filed May 21, 2010). As such, Polymer Technology is relied on to allegedly provide what is missing from the combined teachings of Okuda and Cobbs that would render the claims unpatentable under §103(a). With all due respect, the reliance on Polymer Technology is misplaced.

In line 1 of the penultimate paragraph on page 20, claims "7-19" are identified as "rejected"—following the statement of rejection in the Office Action—whereas the rejected claims are 7-16.

While inadvertent, the aforesaid errors are nonetheless regretted.

Favorable action is requested.

Respectfully submitted,


William E. Player
Reg. No. 31,409
Attorney of Record

JACOBSON HOLMAN PLLC
400 Seventh Street, NW
The Jenifer Building
Washington, D.C. 20004
Tel. (202) 638-6666
Fax (202) 393-5350
Date: December 9, 2010
WEP/mwb
H:\wep\secretary\2010\December\P70693US0 and errata.doc